



WISCONSIN LEGISLATIVE COUNCIL

RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 02-054

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. SECTION 3 of the rule creates s. ATPC 10.01 (45) (he). As an alternative, the rule could repeal current s. ATPC 10.01 (45) (h) and replace it with the language proposed for the new par. (he). This is suggested because the language in par. (he) includes all cases described in par. (h) and is drafted more clearly than par. (h).

b. Because s. ATPC 10.03 (1) (a) to (e) are not modified by the rule, SECTION 4 of the rule should be broken into two SECTIONS: the first would renumber s. ATPC 10.03 (1) to be s. ATPC 10.03 (1) (a) and amend s. ATPC 10.03 (1) (a) (intro.), as renumbered; the second would create s. ATPC 10.03 (1) (b).

c. The treatment of Appendix B to ch. ATPC 10 does not faithfully reproduce the current appendix. In addition to striking through one entry, the rule changes the order of the categories listed in the appendix, but does so without the necessary mechanics (striking, underscoring, etc.). The rule should either reproduce the appendix precisely or explicitly amend it.

d. Because of the way that the terms are used and because of the existing definition of “tuberculosis non-modified accredited state,” it might be clearer to define the term “tuberculosis modified accredited state” rather than “modified accredited state.” Also, for parallel drafting with the existing definition, the department may want to insert the word “bovine” before the first occurrence of “tuberculosis” in the definition and add “of the total number of herds or cattle and

bison in the state” at the end of the definition. Similarly, “tuberculosis” should be inserted before “modified” in s. ATCP 11.11 (5) (c) (intro.).

e. The term “pseudorabies stage I or II state”, used in s. ATCP 11.20 (7) (intro.), is undefined. In addition, the term “pseudorabies stage IV or V state” is used in current s. ATCP 11.23 (2) (a) without definition; other related terms may be used in current rules, as well. These terms should be defined.

f. In s. ATCP 11.58 (15) (b) 2., as drafted, both sentences apply to salmonids; the amendment has no distinguishable effect. Does the department intend to strike the last phrase of the first sentence? If not, note that there is a stray hyphen (or strike) between the words “includes” and “salmonids.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The word that refers to an animal that is a member of the Cervidae (that is, a deer) is “cervid.” This term is used consistently in ch. ATCP 11 except in s. ATCP 11.55 (1) (c) and (note), as affected by this rule. In this rule, “cervidae” should be replaced with “cervids.”

b. Similarly, “salmonid” means a fish of the family Salmonidae. Substituting “fish of the salmonid family” for “salmonid,” as the rule does in ss. ATCP 11.58 (15) (b) 2. and 11.59 (2) (b) 2., is totally unnecessary and, while not incorrect in this case, is a clumsy use of terminology. Since this chapter consistently uses terms of similar construction, such as cervid and ratite, the use of the term “salmonid” should follow this convention, also.